



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Forty-fourth Meeting Day

Monday Afternoon

April 11, 2005

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor Steve Newman, Danville Christian Church, Danville, the guest of Senator Connie Lawson.

The Pledge of Allegiance to the Flag was led by Senator Lawson.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 397: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 481:

Conferees: Lawson, Chair and Simpson
Advisors: Miller and Sipes

GARTON
Date: 4/8/05
Time: 6:27 p.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 218:

Conferees: Nugent, Chair and Howard
Advisors: Steele and Simpson

GARTON
Date: 4/8/05
Time: 6:25 p.m.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 11, 2005, signed the following Senate Enrolled Act: 56.

ROBERT D. GARTON
President Pro Tempore

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 40

Senate Concurrent Resolution 40, introduced by Senators Alting and Hershman:

A CONCURRENT RESOLUTION honoring Gene Keady's twenty-fifth year as head coach of the Purdue University Men's Basketball Team.

Whereas, Coach Gene Keady has represented the State of Indiana with great honor, integrity, and competitive intensity as Purdue University's Men's Basketball Coach for 25 years;

Whereas, Coach Keady has been an outstanding role model for the hundreds of young men who have been his players, managers, and assistants. Throughout his career, he has emphasized success in academics, as well as victory on the court, inspiring ninety percent of the athletes who played for him at Purdue for four years to earn their degree;

Whereas, Coach Keady has led his Boilermaker teams through numerous successful seasons, including six that brought Big Ten Conference championships and twenty-two that resulted in appearances in post-season tournaments;

Whereas, The Boilermakers have provided countless hours of entertaining and passionate basketball for millions of basketball

fans in this state and around the world;

Whereas, Coach Keady has won more than seventy percent of his games and has earned over 500 victories during a forty-seven year career as head coach at the high school, junior college, university, and international levels and is the winningest coach in Purdue history;

Whereas, Coach Keady has been part of Gold Medal-winning teams in four of his six international coaching experiences, including the 2000 Summer Olympic Games in Sydney, Australia, where he served as an assistant coach;

Whereas, His national honors include eight different National Coach of the Year Awards, an unprecedented seven selections as Big Ten Coach of the Year, induction into three halls of fame, including the Indiana Basketball Hall of Fame, and the prestigious Naismith Award, which is presented to individuals who exhibit tremendous sportsmanship on and off the court and have demonstrated a lifelong dedication to the sport of basketball;

Whereas, Coach Keady is a member and former president of the National Association of Basketball Coaches and has been actively involved in speaking about all issues involving college basketball;

Whereas, Indiana basketball has been greatly elevated by his presence as a competitor and a sportsman; and

Whereas, Coach Keady and his wife Pat have been exemplary ambassadors for Indiana, throughout our nation, and around the world while also focusing on their children Lisa, Beverly, and Dan: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors Gene and Pat Keady for their twenty-five years of distinguished service and loyalty to Purdue University and the State of Indiana and wishes them continued health and happiness.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Gene and Pat Keady, Dr. Martin C. Jischke, President of Purdue University, and Morgan Burke, Director of Intercollegiate Athletics at Purdue University.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Lehe, Klinker, T. Brown, and Micon.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Senator Meeks called up Engrossed House Bill 1001 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage.

2:25 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:22 p.m., with the President of the Senate in the Chair.

The question was, Shall the bill pass?

Roll Call 398: yeas 29, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1113

Senator Lawson called up Engrossed House Bill 1113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 399: yeas 46, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1137

Senator Ford called up Engrossed House Bill 1137 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 400: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c),

the following technical corrections are to be made to Engrossed House Bill 1113.

Page 24, after line 33, begin a new paragraph and insert:
"SECTION 26. **An emergency is declared for this act.**".
(Reference is to EHB 1113 as reprinted April 9, 2005.)

GARTON

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1165

Senator Long called up Engrossed House Bill 1165 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 401: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1179

Senator Paul called up Engrossed House Bill 1179 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 402: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1182

Senator Dillon called up Engrossed House Bill 1182 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 403: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1250

Senator Weatherwax called up Engrossed House Bill 1250 for

third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 404: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1525

Senator M. Young called up Engrossed House Bill 1525 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 405: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1646

Senator M. Young called up Engrossed House Bill 1646 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 406: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1736

Senator Clark called up Engrossed House Bill 1736 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 407: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1083

Senator Altting called up Engrossed House Bill 1083 for third

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reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 408: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

The President of the Senate yielded the gavel to Senator Garton.

Engrossed House Bill 1097

Senator Ford called up Engrossed House Bill 1097 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 409: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 512.

DROZDA

Roll Call 410: yeas 28, nays 22. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 266.

JACKMAN

Roll Call 411: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 308.

M. YOUNG

Roll Call 412: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 417.

LAWSON

Roll Call 413: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be removed as coauthor of Engrossed Senate Bill 512.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Engrossed Senate Bill 381.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Heinold and Meeks be added as coauthors of Senate Concurrent Resolution 40.

ALTING

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 282 and that a conference committee be appointed to confer with a like committee of the House.

LONG

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 132:

Conferees: Zakas, Chair and Lewis

GARTON

Date: 4/11/05

Time: 2:34 p.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on

Engrossed Senate Bill 233:
Conferees: Drozda, Chair and Lewis

GARTON
Date: 4/11/05
Time: 2:13 p.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Joint Resolution 10:
Conferees: Lawson, Chair and Lutz

GARTON
Date: 4/11/05
Time: 1:42 p.m.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 209 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 209 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 209 be corrected as follows:

Page 28, delete lines 20 through 36.
Renumber all SECTIONS consecutively.
(Reference is to ESB 209 as printed March 18, 2005.)

GARTON, Chair
R. YOUNG, R.M.M.
LANDSKE

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 285 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 285 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 285 be corrected as follows:

Page 4, after line 12, begin a new paragraph and insert:
"SECTION 6. IC 20-33-8-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.2. As used in this chapter, "bullying" means overt, repeated acts or gestures, including:**
(1) verbal or written communications transmitted;
(2) physical acts committed; or
(3) any other behaviors committed;
by a student or group of students against another student with

the intent to harass, ridicule, humiliate, intimidate, or harm the other student.

SECTION 7. IC 20-33-8-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:**

- (1) prohibit bullying; and**
- (2) include provisions concerning education, parental involvement, reporting, investigation, and intervention.**
- (b) The discipline rules described in subsection (a) must apply when a student is:**
 - (1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;**
 - (2) off school grounds at a school activity, function, or event;**
 - (3) traveling to or from school or a school activity, function, or event; or**
 - (4) using property or equipment provided by the school.**
- (c) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action."**

(Reference is to ESB 285 as printed March 18, 2005.)

GARTON, Chair
R. YOUNG, R.M.M.
WYSS

Report adopted.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On April 7, 2005, I signed the following enrolled acts into law: SEA 98, 465, 265, 44, 101, and 12.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 42 and 43 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 40 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

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MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bill 482 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 181, 381, and 598 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, April 12, 2005.

LONG

Motion prevailed.

The Senate adjourned at 5:58 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate